



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD OF KANSAS  
ADJUTANT GENERAL OF KANSAS  
2800 SOUTHWEST TOPEKA BOULEVARD  
TOPEKA, KS 66611-1287



TAG

29 May 2002

MEMORANDUM FOR See Distribution

SUBJECT: TAG Policy Letter No. 4, Use of Federal Equipment to Support Community Relations and Domestic Action Programs

1. Over the years, the Kansas National Guard has been a strong supporter of community organizations and events. We have traditionally supported our community organizations through the loan of equipment such as water buffalos, tents, trailers, and other material. In the estimation of our leadership, this has been a key element in maintaining the unique bond between the National Guard and the citizenry we serve.

2. With the enactment of the Joint Ethics Regulation (JER), the Army Regulations (AR) and Air Force Manuals (AFMAN) were changed to reflect the new guidance imposed by Congress. This guidance, found in AR 700-131, dated 1 September 1996 and in AFMAN 23-110 dated 1 April 2001, specifies how we must deal with the loan of federal equipment. The Adjutant General or his representatives can no longer authorize the usage of military equipment by civilian organizations without proper documentation to include a lease agreement. In addition, it requires that an amount be charged to the organization, which includes government entities, and that the charge is commensurate with local rental rates. We must not compete with local merchants who are in the lease and rental business.

3. This means that there are few situations where we can provide military equipment for community activities or events without a lease agreement and remuneration. The following guidance is provided for commanders and full-time support personnel of the Kansas Army and Air National Guard.

a. Requests for the use of federal equipment by law enforcement agencies and governmental units charged with the safety and well being of our citizens will be directed to the Plans, Operation & Military Support Officer (POMSO) for the Kansas Army National Guard and the Executive Support Staff Officer (ESSO) for the Kansas Air National Guard. They will make the appropriate determination regarding the loan or lease of such equipment. They will then forward requests to the United States Property & Fiscal Office (USP&FO) for Kansas to enact the required loan or lease agreements and remuneration.

b. Requests for the use of federal equipment by community based organizations, military support organizations, scouting organizations and subordinate elements of local governments which do not have ramifications regarding public safety and the duties of law enforcement, should be evaluated and actions taken in accordance with guidance below.

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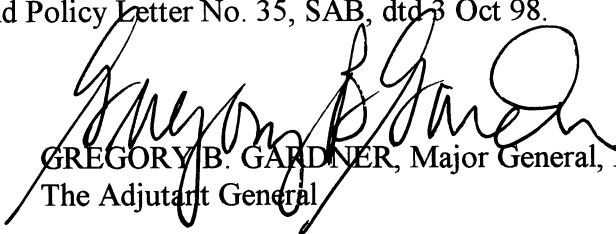
(1) If the request is considered viable by the local commander it may be supported utilizing recruiters and full-time unit support personnel as a strength improvement activity. In such cases, the equipment being utilized must remain under the care, custody and control of the Kansas National Guard at all times.

(2) If the request for support can be utilized as a valid training activity for the unit, it should be evaluated under KS SOP 360-61/KANGI 10-8021, Public Affairs, Civil-Military Innovative Readiness Training. Requests will be submitted through command channels to the Community Support Advisory Council (CSAC) for approval. If the training activity will use less than 100 man hours, the local commander has the authority to submit the request to the CSAC for validation. Point of Contact (POC) is the Secretary to the General Staff (SGS).

(3) Requestors should be strongly encouraged to use their own resources. When commercial sources are available, it will be noted in the command response to the request. In some cases, this will absolutely preclude our ability to provide any support. We can only provide equipment that is not immediately required to support the ongoing mission of the Kansas National Guard or any other element of the Department of Defense. When a request is received from an organization, which cannot be supported as above, it should be forwarded through the appropriate headquarters to the Adjutant General of Kansas, ATTN: Chief of Staff, for the Army National Guard, or ATTN: ESSO, for the Air National Guard. In coordination with the USP&FO for Kansas, The Chief of Staff or ESSO will determine if a lease agreement can be entered into in accordance with the appropriate regulations. If so, the USP&FO will action the appropriate agreements and determine the proper remuneration. If not, the Chief of Staff or ESSO will respond to the requesting agency on behalf of The Adjutant General and delineate the reasons why the request cannot be honored.

4. This matter is of the utmost concern to the Adjutants' General and United States Property & Fiscal Officers nationwide. The interpretation of the JER and the new guidelines of the Army and Air Force have seriously curtailed the access of the public to National Guard equipment. When fielding public concerns regarding our inability to fulfill an organization's request, please let them know that we must follow current laws and regulations. POCs at this office regarding this guidance are the Chief of Staff, Kansas Army National Guard and the Executive Support Staff Officer, Headquarters, Kansas Air National Guard.

5. This letter supersedes Command Policy Letter No. 35, SAB, dtd 3 Oct 98.



GREGORY B. GARDNER, Major General, KSANG  
The Adjutant General

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